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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,293	05/17/2005	Cornelis Versluys	NL021209US	5984

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CARTER, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/535,293

**Applicant(s)**

VERSLUIJS ET AL.

**Examiner**

WILLIAM J. CARTER

**Art Unit**

2875

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Ali Alavi/  
Primary Examiner, Art Unit 2875

Continuation of 11. does NOT place the application in condition for allowance because: As for the Examiner's objection to "the same" the objection remains. Using the Applicant's words, the USPTO is concerned with diction "commonly used in patent claims" not what may be "awkward, in standard American English." As for claims 16 and 19 stating "mechanical locking unrelated to adhesion," the objecting remains. Using the definitions the Applicant has provided, lock is defined as "to clasp or embrace tightly" and adhere is defined as "to stick fast or together by or as if by grasping." These two definitions are definitely at least "related" and as further proof clasp is defined as "a firm grasp" and grasp is defined as "to seize and hold by or as if by clasping" (<http://dictionary.com/>). As the 112 rejection of claims 16-20, the Examiner does not see that Fig. 6 and a statement of "interlocking" teaches "the mechanical locking being activatable responsive to a removal force applied to the light source, such activatability being due to the removal force transformable by the cement in the first portion into mechanical pressure by the cement in the second portion against the shape, the mechanical pressure being in accordance with a retaining force that has a component parallel to a direction of the removal force." The van der Heijden reference is not relied upon to teach the elements argued by the Applicant. Van der Heijden is only relied upon to teach a cap (7) positioned by means of a locking element (12) that is a mechanical piece distinct from the cap (Fig. 2), in order to avoid displacement of the cap with respect to other parts of the lighting unit (column 3, lines 30-32). As for the purpose of the cap, a reflector, exact position of the cap, and other arguments presented by the Applicant, Maassen is relied upon to teach those elements. As for claims 4 and 5, Maassen teaches a sleeve provided with an outer surface (Fig. 1). Van der Heijden teaches a sleeve (3) provided with at least one recess (recess in 11) present into which a portion of the light element (12) grips (Fig. 2), the locking element (12) grips partly into a mating recess (recess in 11) in the sleeve (3) and at the same times lies enclosed with another portion in a mating locking holder (11 and 12) of the cap (7). All of the elements are taught and upon combination the recesses (11) of van der Heijden could be disposed on an outside surface, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167. Further reversing the mating recess (11) with one of the bars (12) of claim 5, would involve only routine skill in the art, and meet the claim language. In re Einstein, 8 USPQ 167. As for claims 10 and 12, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to make the locking element (12) and the cap (7) separable, since it has been held that constructing formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179. As for claims 13-15, contrary to the Applicant's arguments, Ooms certainly teaches a reflector (1 and Abstract). As for the double patenting, the Applicant's argues that "it does not make any sense" to separate the sleeve and cap of the co-pending application." But it is well known in the art to make items separable, and further it has been held that constructing formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179.